

**-- REMARKS --**

Claims 1-6, 9-12 and 15-32 are currently pending in the application. Claims 26-32 have been withdrawn from consideration. Claims 11 and 15 have been canceled. Claims 1, 12 and 16 have been amended. The changes to the amended claims from the previous versions to the rewritten versions are shown above with a strike-through for deleted matter and underlines for added matter. No new matter has been added as a result of these amendments.

In the outstanding Office Action, claim 1 has been objected to because of certain informalities. The claim has been amended to correct the informality.

In the outstanding Office Action, claims 12 and 19 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 12, the Examiner asserts that the limitation requiring the distal end of the catheter to be in sliding engagement with the stiffening member is inconsistent with claim 1, which recites that the stiffening member is fixedly connected to the catheter. With respect to claim 19, the Examiner asserts that the introduction of "an inflation device" is inconsistent with claim 1 because claim 1 already calls for "an inflation device". The rejections are respectfully traversed.

Regarding claim 12, Applicant notes that the stiffening member may be in sliding engagement with the distal end of the catheter (as called for by claim 12), but still be fixedly connected to the catheter at a different location (as called for by claim 1). For example, the proximal end of the stiffening member could be fixedly connected to the proximal portion of the catheter.

Regarding claim 19, Applicant notes that claim 1 requires that the proximal end of the catheter be configured to engage an inflation device, but does not positively recite an inflation device. Thus, the introduction of an inflation device by dependent claim 19 is proper.

In the outstanding Office Action, claims 1-6, 9, 15, 18, 19 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,135,982 to Campbell

(hereinafter "Campbell"). Claim 22 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell. Claims 10-12, 16-17, 20 and 23-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of one or more of US Patent No. 5,318,535 to Miraki, US Patent No. 5,454,788 to Walker et al. (hereinafter "Walker"), US Patent No. 5,419,765 to Weldon et al., US Patent No. 5,605,543 to Swanson. The rejections under 35 U.S.C. §§ 102(a) 103(a) are respectfully traversed.

Independent claim 1 is directed to a balloon catheter comprising a catheter and stiffening member extending from the distal end thereof, wherein the stiffening member is fixedly and non-removably connected to the catheter at one or more locations proximal of the distal end portion of the catheter, and further wherein the proximal end of the balloon is fixedly connected to the distal end of the catheter and the distal end of the balloon is non-fixedly connected to the stiffening member. Claim 1 further requires that the distal end of the balloon be restrained against transverse movement by the stiffening member, while not being restrained against axial movement by either the stiffening member or the catheter. In particular, claim 1 requires that the distal end of the stiffening member slidably engage and terminate within a closed passageway defined by a sleeve disposed on the distal end of the balloon. As explained in detail in the specification for the present application, the claimed configuration provides a balloon that is allowed to lengthen or retract (e.g., during inflation or deflation) without being restrained by either the stiffening member or the catheter. The distal end of the balloon is nevertheless constrained against transverse movement by the stiffening member so as to ensure that the balloon remains centered/aligned with the axis of the catheter. These features and limitations are neither suggested nor disclosed by the prior art.

Campbell discloses a balloon catheter having a core member 18 that is fixedly connected to the proximal end of the balloon, which is in contrast to the arrangement called for by claim 1 (i.e., the stiffening member being in sliding engagement with the distal end portion of the catheter). Moreover, although the distal end of core member 18 is disposed within a sleeve on the distal end of the balloon, it does not appear to be in

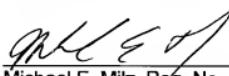
sliding engagement with an interior surface of the sleeve. Thus, it does not appear that the core member 18 provides continuous lateral support to the distal end of the balloon.

Campbell also fails to disclose a retaining member, as now called for by claim 1. The Examiner acknowledges that Campbell does not disclose a retaining member, but asserts that this feature is disclosed by Fig. 31 of Walker, and that it would have been obvious to combine the teachings of Walker with Campbell. Applicant respectfully disagrees. Fig. 31 of Walker discloses a ball 46 that is configured to seal the inside of the sleeve. Distal movement of the ball beyond the end of the sleeve allows rapid deflation of the balloon. The internal rib 239 provides a tactile bump to indicate to the user that the ball has been seated within the sleeve. Neither of these components are intended or configured function as a retaining member. Moreover, there is no basis for combining the teachings of Walker with Campbell. Walker is directed to a balloon having an open distal end with a removable seal, wherein Campbell is directed to balloon having a closed (sealed) distal end.

Accordingly, and for at least the reasons discussed above, independent claim 1 is patentable over the art of record. The claims 2-6, 9, 10, 12 and 16-25 are each dependent on claim 1, and are therefore likewise patentable for at least the same reasons that claim 1 has been demonstrated above to be patentable. Further discussion of these dependent claims is therefore unnecessary.

It is therefore believed that the application is in condition for allowance, and such allowance is now earnestly requested. If for any reason the Examiner is not able to allow the application, the Examiner is respectfully requested to contact the Applicants' undersigned attorney at (312) 321-4273.

Respectfully submitted,



Michael E. Milz, Reg. No. 34,880  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200